

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

QUENTIN SUTTLES

Plaintiff,

ANSWER

vs.

Index No.: 24-cv-00098

CITY OF BUFFALO, OFFICER
JOHN DAVIDSON, OFFICER RUSSELL
SULLIVAN, OFFICER JOHN/JANE
DOE(S), et al.

Jury Trial Demanded

Defendants.

Defendants, CITY OF BUFFALO, OFFICER JOHN DAVIDSON, OFFICER RUSSELL SULLIVAN, OFFICER JOHN/JANE DOE(S) (“Defendants”), by their attorney, Robert E. Quinn, Deputy Corporation Counsel, *of counsel* to Corporation Counsel, Cavette A. Chambers, Esq., as and for their Answer to the Plaintiff, QUENTIN SUTTLES’s (“Plaintiff”), Complaint in the above action, alleges as follows, upon information and belief:

JURY TRIAL DEMANDED

Deny knowledge or information sufficient to form a belief as to the allegations in this paragraph.

JURISDICTION AND VENUE

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2.

THE PARTIES

3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10.

NOTICE OF CLAIM

- 11. Admit the allegations in paragraph 11.
- 12. Admit the allegations in paragraph 12.
- 13. Admit the allegations in paragraph 13.

FACTUAL ALLEGATIONS

- 14. Deny the allegations in paragraph 14.
- 15. Deny the allegations in paragraph 15.
- 16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16.

FIRST CAUSE OF ACTION

- 17. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17.
- 18. Deny the allegations in paragraph 18.
- 19. Deny the allegations in paragraph 19.

SECOND CAUSE OF ACTION

- 20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20.
- 21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21.
- 22. Deny the allegations in paragraph 22.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23.

24. Deny the allegations in paragraph 24.

25. Deny the allegations in paragraph 25.

26. Deny the allegations in paragraph 26.

THIRD CAUSE OF ACTION

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29.

30. Deny the allegations in paragraph 30.

31. Deny the allegations in paragraph 31.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33.

34. Deny the allegations in paragraph 34.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35.

FOURTH CAUSE OF ACTION

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36.

37. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38.

39. Deny the allegations in paragraph 39.

40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40.

41. Deny the allegations in paragraph 41.

42. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42.

FIFTH CAUSE OF ACTION

43. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43.

44. Deny the allegations in paragraph 44.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST DEFENSE:

Upon information and belief, the Complaint, in whole or in part, fails to state a cause of action against the Defendants.

AS AND FOR A SECOND DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, upon the doctrine of qualified immunity.

AS AND FOR A THIRD DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, on the grounds that the Defendants' actions were objectively reasonable under the totality of the circumstances.

AS AND FOR A FOURTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, upon the grounds of any sovereign, governmental, or qualified immunity available to municipalities and their employees including but not limited to governmental immunity for alleged errors of judgment in discretionary decisions.

AS AND FOR A FIFTH DEFENSE:

Upon information and belief, the arrest, detention, seizure, and/or prosecution of Plaintiff, if any such arrest, detention seizure, and/or prosecution occurred, was based on probable cause.

AS AND FOR A SIXTH DEFENSE:

Upon information and belief, the arrest, detention, seizure, and/or prosecution of Plaintiff, if any such arrest, detention seizure, and/or prosecution occurred, was based on “arguable probable” cause.

AS AND FOR A SEVENTH DEFENSE:

Upon information and belief, no special relationship existed between the Plaintiff and Defendant that would create a special duty of protection to the Plaintiff.

AS AND FOR AN EIGHTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, on the grounds that the actions of the Defendants did not violate any Constitutional rights of the Plaintiff.

AS AND FOR A NINTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, on the grounds that at all times relevant herein, the Defendant exercised his professional judgment under the circumstances and therefore his actions are cloaked with immunity.

AS AND FOR A TENTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, by the doctrines of collateral estoppel and/or res judicata.

AS AND FOR AN ELEVENTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, for failure to comply with Article Four of the New York State General Municipal Law.

AS AND FOR A TWELFTH DEFENSE:

Upon information and belief, the damages complained of, if any, were caused by the culpable conduct of others over whom the Defendants exercised no control and for whom the Defendants bears no responsibility.

AS AND FOR A THIRTEENTH DEFENSE:

Upon information and belief, under relevant state and federal law, punitive damages cannot be awarded against the Defendants.

AS AND FOR A FOURTEENTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, for a failure to file a timely notice of claim pursuant to the General Municipal Law.

AS AND FOR A FIFTEENTH DEFENSE:

Upon information and belief, the Complaint is barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A SIXTEENTH DEFENSE:

Upon information and belief, if Plaintiff reaches a settlement with any person claimed to be liable the Defendant may be entitled to a setoff against such settlement.

AS AND FOR A SEVENTEENTH DEFENSE:

Any award for Plaintiffs must be reduced by the amount he has received or will receive from collateral sources.

AS AND FOR AN EIGHTEENTH DEFENSE:

Plaintiff's damages, if any, must be diminished by his failure to mitigate such damages.

AS AND FOR A NINETEENTH DEFENSE:

Plaintiff may have failed to obtain personal jurisdiction over one or more of the Defendants.

AS AND FOR A TWENTIETH DEFENSE:

The Court may lack jurisdiction over one or more of the Plaintiff's causes of action.

AS AND FOR A TWENTY-FIRST DEFENSE:

Plaintiff cannot recover damages for losses that may have been mitigated or avoided.

AS AND FOR A TWENTY-SECOND DEFENSE:

Any use of force may have been justified under the circumstances.

AS AND FOR A TWENTY-THIRD DEFENSE:

Plaintiff's complaint may have failed to state a cause of action.

WHEREFORE, the Defendants demand judgment dismissing the Plaintiffs' Complaint herein, in whole or in part, or reducing the recovery in accordance with the defenses set forth herein, together with the costs and disbursements of this Action, and for such other and further relief as to this Court may deem just and proper.

Dated: February 15, 2024
Buffalo, New York

CAVETTE A. CHAMBERS, ESQ.
Corporation Counsel

/s/ Robert E. Quinn
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